

Notice of Allowability

Application No.

09/922,595

Examiner

Lynda M Salvatore

Applicant(s)

WIDDEMER, JOHN D.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/05/03.
2. ☒ The allowed claim(s) is/are 1,3-11,17,19-21,23-25,27-29,31-33,35 and 36.
3. ☒ The drawings filed on 03 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: IN THE CLAIMS:

1. Cancel method claims 12-16.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed 12/5/03 have been fully considered and entered. Claims 1,17,21,25,29 and 32 have been amended and claims 2, 18, 22, 26, 30 and 34 have been canceled as requested. Applicant's amendments and accompanying remarks regarding the rejections of claims 1,3-11 and 17,19-21,23-25,27-29,31-33,35 and 36 as set forth in sections 8-12 of the last Office Action have been found persuasive of patentability. Thus, the rejections of claims 1,3-5,11, and 17, 19-21,23-25,27-29,31-33,35 and 36 rejected under 35 U.S.C. 102(b) as being anticipated by Nakamae et al., US 4,426,421, claims 6,7, 8, and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamae et al., US 4,426,421 in view of Spies et al., US 4,696,999, and the rejection of claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamae et al., US 4,426,421 view of Wildbore et al., US 6,555,490 are hereby withdrawn for reasons set forth herein below.

Election/Restrictions

2. This application is in condition for allowance except for the presence of claims 12-16 to non-elected without traverse method for making a leather article. Accordingly, claims 12-16 have been cancelled.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance: 1,3-11 and 17,19-21,23-25,27-29,31-33,35 and 36.

Applicant amended claims 1,17,21,25,29 and 32 to include the limitation of "wherein the fiber matrix includes fibers piercing the leather in many locations and interlocking with other fibers both within the matrix of leather and on a first surface of the leather" and argues that the prior art of Nakamae et al., is directed to method of making synthetic leather rather than the augmentation of natural leather. These arguments are found persuasive with respect to independent claims 1,17,21,25 29, and 33. Note that the term "leather" in said claims is interpreted to be natural leather. (e.g., not man made or simulated leather), since the common standard definition of leather is a natural leather and further because the specification is clear that the term "leather" only encompasses natural leather. The patent issued to Nakamae et al., teaches a method for making synthetic leather which includes raising or coating a non-woven fabric comprising fine fibers. Thus, it is the position of the Examiner that Nakamae et al., fails to teach or fairly suggest the limitations of a fiber matrix coupled to a leather matrix such that fibers within the fiber matrix pierce the leather in many locations and interlocking with other fibers both within internal leather matrix and surface of said leather. Accordingly, dependent claims 3-11, 19-20, 23-24, 27-28, 31-32, and 35-36 are also allowable as they depend directly from allowable independent claims 1,17,21,25,29, and 33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1771

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 16, 2004

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CHERYL A. JUSKA
PRIMARY EXAMINER